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FILED
DISTRICT COURT OF GUAM

NOV 27 2006

MARY L.M. MORAN
CLERK OF COURT

**UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

J. C. ,

Plaintiff,

vs.

GREGORIO SALAS CALVO, in his official
capacity as Deputy Director Department of
Integrated Services for Individuals with
Disabilities (DISID), and
ROSANNE S. ADA, in her official capacity as
Director of DISID,

Defendants.

Civil Case No. CIV 06-00031

**DEFENDANTS' REPLY TO
PLAINTIFF'S OPPOSITION TO
MOTION TO DISMISS**

Defendants, by counsel, reply as follows to Plaintiff's Opposition to Defendants' motion to dismiss.

As noted in Defendants' motion to dismiss filed October 31, 2006, p. 4, by his complaint, plaintiff stated no claim whatsoever with respect to his Individualized Plan for Employment (I.P.E.).

The gist of Plaintiff's complaint is that on or about May, 2006, Plaintiff was seeking services from the Defendant(s) agency thru an Individualized Budgeting Plan (I.B.P.) and was discriminated against on the basis of his disability status. Complaint, ¶5. Plaintiff alleges the I.B.P. is a locally funded program and, in his case, what was to be included, or provided, was

1 housing, furnishing, and other needs also to include some funding for his home-based business
2 to "kick in".

3 By his Opposition filed November 9, 2006, Plaintiff, as in his Complaint,
4 acknowledges he currently is enrolled at the Guam Community College as provided for by his
5 I.P.E. as approved by the DISID Division of Vocational Rehabilitation (DVR). He further
6 acknowledges that what was approved (or provided) was his tuition, books and supplies, lab
7 fees, and a loaner laptop computer from DVR. Opp. Memo, 3rd sheet.

8 In other words, consistent with his I.P.E., plaintiff has received everything reasonably
9 necessary to accomplish the goal of his current I.P.E., i.e., attendance during this Fall semester
10 at Guam Community College (G.C.C.).

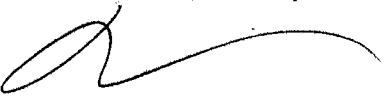
11 What this case illustrates, if anything, is a possible failure in communications in having
12 plaintiff understand that the type and extent of further assistance to him by DISID, including
13 DVR, is a matter to be determined upon review after Plaintiff's completion of the semester at
14 G.C.C.

15 Accordingly, Plaintiff's complaint ought be dismissed for failure to state a claim upon
16 which relief can be granted.

17 Dated: This 27th day of November, 2006.

18 OFFICE OF THE ATTORNEY GENERAL
19 DOUGLAS B. MOYLAN, Attorney General

20
21 By:


22 **PHILIP D. ISAAC**
23 Assistant Attorney General
24 Attorneys for Defendants
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